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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,299	02/18/2004	Mark E. Fuller	87933-400100	4814

7590

11/15/2005

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EXAMINER

D ADAMO, STEPHEN D

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/781,299	Applicant(s) FULLER ET AL.	
	Examiner Stephen D'Adamo	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-9,11-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-9,11-18,20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker (4,943,113) in view of Miller (5,908,223) and Apfel (5,746,448).

Meeker discloses a child restraint system 10 including a seat body having opposed walls, a retention harness including a plurality of belts or harnesses 32 with buckles for restraining the child in the carrier in the normal manner and a handle 58 in an inverted U-shaped configuration. However, Meeker fails to expressly disclose each harness side portion having a connectible latch or a retention member. Yet, Miller discloses a child seat restraining system with a tongue assembly wherein each harness side portion includes a connectible latch. The harness also includes a centrally placed, third latch member 134. Furthermore, Miller discloses that each connectible latch carries a hole, as seen in Figure 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the conventional harness of Meeker with another conventional harness, as taught by Miller, for providing a more secure restraining belt system for an infant.

Moreover, Apfel discloses a retention device comprising a retaining member 7 carried on an extensible member or flexible holding means 11 encompassing a stretchable line or

strap. The retention member can be adapted to be carried on each sidewall portion to connect and hold each latch in a laterally spaced position from the other latch. Therefore, the latches are drawn to the side to avoid a user of the seat. Apfel generally discloses a seat belt holder “for releasably holding a buckle of a seat belt in a position readily accessible for use, comprising a body, attachment means for attaching the body to a car seat, and an elongated member having a first end attached to the holder and a second, free end, for releasably holding the buckle” (col.2, lines 47-53). The flexible holding means is biased toward one of the laterally spaced positions. Further, Apfel teaches that the retaining member 7 can be a claw, which is a hook. Moreover, the holder can include a “spring-loaded catch and release mechanism and would thus be similar to that of the standard seat belt stem for holding the belt in the in use position. Because the seat belt holder is only intended to hold the belt when not in use and therefore is not subject to safety standards, any other form of clip or hook that will hold the buckle , or even the belt itself, is suitable” (col.5, lines 7-13). Therefore, Apfel discloses that the holder can encompass a spring-biased rotary spool, similar to a seat belt spool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the safety seat of Meeker and Miller, with a seat belt holder, as taught by Apfel, for “releasably holding a buckle of a car seat in a position readily accessible for use” (col.1, lines 37-38).

### ***Response to Arguments***

2. Applicant's arguments filed August 22, 2005 have been fully considered but they are not persuasive.

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As disclosed in the applicant's remarks and in the above rejection, Apfel discloses a flexible holding means that permits variation in the position and length at which the seat belt is held. Therefore, Apfel teaches that the flexible holding means can adjust its position and length. In regards to applicant's arguments of claim 3, 5, 6, 9, 11, 12 and 18, Apfel teaches in column 5, lines 7-13 that the holder can include a "spring-biased rotary spool, similar to a seat belt spool." The retaining member 7 is a claw or hook.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 571-272-6857. The examiner can normally be reached on Monday-Friday 6:00-2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD

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November 9, 2005

  
**Peter M. Cuomo**  
**Supervisory Patent Examiner**  
**Technology Center 3600**